



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P & P 100-8	Subject: USE OF OLEORESIN CAPSICUM (OC)	
Chapter 100: VIOLATIONS/WARRANTS/ARRESTS	Page 1 of 3	
Signature:	Revision Date: 06/12/06	
	Effective Date: 02/15/06	

I. BUREAU DIRECTIVE: The use of force is sometimes necessary for justifiable self-defense and protection of others. It is the policy of the Probation and Parole Bureau to use the least amount of force necessary to resolve situations involving confrontation or aggression by offenders or other persons. The Probation and Parole Bureau will provide employees with appropriate OC products along with training and guidance on the use of OC.

II. AUTHORITY:

2-15-112, MCA Duties and Powers of Department Heads
53-1-203, MCA. Powers and Duties of the Department
45-3-106, MCA. Use of Force to Prevent Escape
45-3-102, MCA. Use of Force in Defense of Person
DOC 3.1.8 Use of Force and Restraints
P&P 100-5 Use of Force and Restraints

III. DEFINITIONS:

Active Counter Measures means action taken to effectively escort, overcome, or restrain an offender including the following:

1. Physical Force
2. Self-Defense Techniques
3. Restraints
4. Oleoresin Capsicum
5. Chemical Agents/Aerosol Irritant
6. Batons
7. Kinetic Stunning Devices
8. Distraction/Diversion Devices

Deadly Force means the use of any weapon, implement or body movement that carries substantial risk of death or serious injury being inflicted upon the person against whom the force is being directed.

Oleoresin Capsicum (OC) is an inflammatory agent that is derived from the pepper plant that affects the eyes, mucous membranes, other sensitive skin areas, and the upper respiratory system.

Passive Counter Measures means techniques/strategies used by staff to gain compliance/control of an offender without forcible physical contact.

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IV. PROCEDURES:

Chemical agents may be employed in circumstances when an Active Counter Measure or Deadly Force is authorized under *P&P 100-5 (A) Use of Force Continuum*.

A. Requirements:

All Probation and Parole staff must participate in and successfully complete a Department-approved program that trains in the use of OC spray. Staff who use OC spray must know when and how to use OC.

Per *P&P 200-1 Firearms* policy, anyone carrying a firearm must carry OC spray, handcuffs, any other non-lethal equipment authorized and specified by the Department, and have their badge visible.

Department certification standards do not require staff be subjected to a direct spray to the face. Training must include, but is not limited to:

1. Tactical use of the product including:
 - a. When the appropriate circumstances in which the staff may use OC spray as set forth in Section IV. D. of this policy
 - b. Staff use of inert spray at moving targets
 - c. Staff protecting and retaining OC canisters from attacks by assailants
 - d. Staff defending themselves from an attack by an assailant who is armed with OC
 - e. Different means of carrying OC considering safety, security and speed of deployment
2. Effects of the product, including the differences between fog and sprays
3. Decontamination procedures
4. Use of force continuum and policy

B. Authorized Carry:

Any Probation and Parole Officer, Parole Officer Technician, Administrative personnel or other staff member who has successfully completed the OC training is authorized to carry OC spray.

C. Approval of OC Products:

The Regional Administrator must approve purchase of OC products. Prior to purchase of the product, the Regional Administrator shall evaluate the OC product to determine whether the product offers acceptable levels of security, safety and effectiveness, limited to fog or stream spray. The Firearms Control Officer or designee will issue and record all OC products issued to Probation and Parole Staff. The Firearms Control Officer or designee shall annually check each Officer's OC product to insure that the products are not issued for use beyond their expiration dates or the manufacturers guaranteed shelf-life. All OC products will be immediately replaced if any incident occurred that resulted in the OC product being sprayed prior to the expiration date. All aerosol OC products will be non-flammable in nature.

D. Use of OC:

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OC may be used in the following situations:

1. When verbal direction is ineffective or inappropriate and active counter measures are necessary
2. When passive counter measures have failed and staff may have to use physical force to maintain control
3. When the staff could reasonably use deadly force
4. When the staff is threatened by domestic or wild animals
5. Other situations where training and experience may indicate the use of OC is appropriate
6. The use of OC shall be consistent with all applicable state or federal laws, the guidelines of the Department's use of force policy, and the manufacture's specific guidelines for usage.

E. Decontamination/After-care Procedures:

1. Once the Probation and Parole staff has gained control of the offender, the Officer will begin the decontamination process by wiping the OC spray from the offender's skin. Avoid rubbing face or eyes.
2. As soon as practical, transport the offender to a location where soap and water are available. Flush face with cool water. Do not use oil-based salves or creams on the skin for burning sensation.
3. If offender is restrained staff should follow routine safety procedures to avoid Positional Asphyxiation.
4. If the decontamination procedures do not assist the offender's physical condition after exposure to OC spray, offender should be transported to a medical facility as soon as possible. If breathing difficulties, for example, appear to be life threatening, emergency medical services should be summoned.
5. If the offender complains of any type of injury, the offender should receive an examination by a qualified medical professional as soon as practical.

F. Reporting Requirements

The Probation and Parole staff will immediately notify the Regional Administrator or designee when an active counter measure is used, including OC use. All staff members involved will be required to complete *P&P 90-2 (A) Incident Report Form* reporting the basic information surrounding the incident **no later than the conclusion of that shift** and file it with the Regional Administrator or designee. A more thorough report will be required **within 72 hours** of the incident, if the staff did not provide details in the original *Incident Report Form* or recalls information that was not initially reported. Depending upon the incident, the Regional Administrator may request an investigation of any incident with the use of OC spray and will review the incident with the Probation and Parole staff involved.

V. CLOSING: Questions concerning this procedure shall be directed to the Regional Administrator.

Form

P&P 90-2 (A) Incident Report Form
P&P 100-5 (A) Use of Force Continuum